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TRACY HOPE DAVIS

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re)	Case No. 21-13813-nmc
)	Chapter 7
HOUDINI'S MAGIC SHOP,)	
)	Date: N/A
)	Time: N/A
<u>Debtor(s).</u>)	

EX PARTE MOTION OF THE UNITED STATES TRUSTEE FOR AN
ORDER REOPENING CASE PURSUANT TO 11 U.S.C. § 350(b)

Tracy Hope Davis, the United States Trustee for Region 17 ("United States Trustee"), by and through her undersigned counsel, hereby moves the Court for an order reopening this case pursuant to 11 U.S.C. § 350(b) and Fed. R. Bankr. P. 5010. This motion is made and based upon the following Memorandum of Points and Authorities and the pleadings and papers filed in this case.

MEMORANDUM OF POINTS AND AUTHORITIES

1. Debtor(s) filed a voluntary petition under Chapter 7 of the Bankruptcy Code on July 30, 2021. ECF No. 1.
2. On October 4, 2022, this case was closed, and Troy S. Fox was discharged of all duties as the trustee in the case. ECF No. 43.

1 3. The United States Trustee wishes to reopen this Chapter 7 case because after the
2 case was closed, the United States Trustee received notification that Debtor is entitled to receive
3 tax refunds arising from employee retention tax credits that can be administered for the benefit
4 of the bankruptcy estate.
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6 4. Pursuant to 11 U.S.C. § 350, a bankruptcy case may be reopened in the court in
7 which the case was closed to administer assets, to accord relief to the debtor, or for other cause.
8 11 U.S.C. § 350(b). The case may be reopened on motion of the debtor or other party in interest.
9 FRBP 5010. The court may order the appointment of a trustee in a reopened Chapter 7 case if
10 the court determines that a trustee is necessary to protect the interests of creditors and the debtor
11 or to insure efficient administration of the case. *Id.* The Code section and associated rule make
12 no provision for a hearing or other procedures. *Id.* A bankruptcy court may rule on a motion to
13 reopen a bankruptcy case without a hearing. *Redmond v. Fifth Third Bank*, 624 F.3d 793 (7th
14 Cir. 2010).
15

16 5. As there appear to be assets that may be liquidated and distributed to creditors, to
17 protect the interests of creditors and Debtor(s), and to ensure the efficient administration of the
18 estate, a Chapter 7 trustee should be appointed pursuant to Fed. R. Bankr. P. 5010. The
19 Appointment is contingent upon the Court entering an order reopening this case and directing the
20 United States Trustee to appoint a Chapter 7 trustee.
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22 **WHEREFORE**, the United States Trustee requests that the Court enters an order
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1 reopening this case pursuant to 11 U.S.C. § 350(b) and ordering the United States Trustee to
2 appoint a Chapter 7 trustee.
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5 Dated: August 3, 2023

Respectfully submitted,

6 TRACY HOPE DAVIS
7 UNITED STATES TRUSTEE

8 By: /s/ Terri H. Didion
9 Terri H. Didion
10 Assistant United States Trustee
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